

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PLANNED PARENTHOOD OF
GREATER WASHINGTON AND
NORTH IDAHO; PLANNED
PARENTHOOD OF THE GREAT
NORTHWEST AND THE
HAWAIIAN ISLANDS; and
PLANNED PARENTHOOD OF THE
HEARTLAND,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES; ALEX
MICHAEL AZAR II in his official
capacity as Secretary of the U.S.
Department of Health and Human
Services; and VALERIE HUBER in
her official capacity as Senior Policy
Advisor for the Office of the Assistant
Secretary for Health at the Department
of Health and Human Services,

Defendants.

NO. 2:18-CV-0207-TOR

ORDER GRANTING PLAINTIFFS'
UNOPPOSED MOTION FOR LEAVE
TO FILE OVER LENGTH BRIEFING
AND PROPOSED BRIEFING
SCHEDULE

ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE
TO FILE OVER LENGTH BRIEFING AND PROPOSED BRIEFING
SCHEDULE ~ 1

1 BEFORE THE COURT is Plaintiffs’ Unopposed Motion for Leave to File
2 Over Length Briefing and Proposed Briefing Schedule. ECF No. 14. This matter
3 was submitted for consideration without oral argument. The Court has reviewed
4 the record and files herein, and is fully informed.

5 On June 21, 2018, Plaintiffs Planned Parenthood of Greater Washington and
6 North Idaho, Planned Parenthood of the Great Northwest and Hawaiian Islands,
7 and Planned Parenthood of the Heartland (collectively “Planned Parenthood”) filed
8 this Complaint against Defendants United States Department of Health and Human
9 Services (“HHS”); the Secretary of HHS, Alex Michael Azar II; and the Assistant
10 Secretary for Health at HHS, Valerie Huber. ECF No. 1. Plaintiffs seek to enjoin
11 Defendants from allocating funding under the 2018 Funding Opportunity
12 Announcements (“FOAs”) associated with the Teen Pregnancy Prevention
13 Program (“TPP”). *Id.*

14 On July 10, 2018, Plaintiffs filed the instant unopposed motion requesting
15 leave to file excess pages and a proposed briefing schedule. ECF No. 14. The
16 parties have met and conferred. *Id.* at 2. Defendants do not oppose this motion
17 and have agreed to refrain from obligating any funds for the 2018 Tier 1 FOA or
18 any funds for the Tier 2 FOA until September 1, 2018. *Id.* at 2. The relevant
19 appropriation for this grant opportunity expires on September 30, 2018. *Id.*

1 On July 16, 2018, Plaintiffs filed a Motion for Preliminary or Permanent
2 Injunction and Summary Judgment. ECF No. 16. Plaintiffs request leave to file
3 this Motion of no more than thirty (30) pages, excluding the table of contents,
4 statement of authorities, and signature block. ECF No. 14 at 2. The Court grants
5 Plaintiffs leave to file the excess briefing as Defendants do not object. *Id.*

6 The Court grants the parties proposed briefing schedule and request to file
7 excess pages. Defendants shall file an opposition to Plaintiffs' Motion no later
8 than fourteen (14) days after Plaintiffs filed their Motion. *Id.* Defendants are
9 granted leave to file no more than forty (40) pages, excluding the table of contents,
10 statement of authorities, and signature block as Plaintiffs do not object. *Id.* at 2-3.
11 Defendants intend to file cross motions to dismiss and for summary judgment as
12 part of its opposition and the excess pages is driven in part to address these
13 additional motions. *Id.* at 3. Plaintiffs do not object to addressing these motions
14 within the briefing schedule.

15 Plaintiffs may file a reply no later than seven (7) days after Defendants file
16 their opposition. *Id.* Plaintiffs' may file their reply of no more than thirty (30)
17 pages, excluding the table of contents, statement of authorities, and signature block
18 as Defendants do not object. *Id.*

19 Defendants may file a reply no later than seven (7) days after Plaintiffs file
20 their reply. *Id.* Defendants' may file their reply of no more than twenty (20)

1 pages, excluding the table of contents, statement of authorities, and signature block
2 as Plaintiffs do not object. *Id.* This reply will be limited to issues raised in their
3 motions to dismiss and for summary judgment. Defendants' reply is not intended
4 to provide a sur-reply to Plaintiff's Motion. *Id.*

5 Given the time constraints, the Court shall issue a decision on this matter by
6 August 31, 2018, as requested by the parties. *Id.*

7 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 8 1. Plaintiffs' Unopposed Motion for Leave to File Over Length Briefing and
9 Proposed Briefing Schedule (ECF No. 14) is **GRANTED**. Defendants'
10 opposition is due no later than **July 30, 2018**; Plaintiffs' reply is due no
11 later than **August 6, 2018**; and Defendants' reply is due no later than
12 **August 13, 2018**. The Court will issue a decision by **August 31, 2018**.

13 The District Court Executive is directed to enter this Order and furnish
14 copies to counsel.

15 **DATED** July 19, 2018.



19
20

A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge